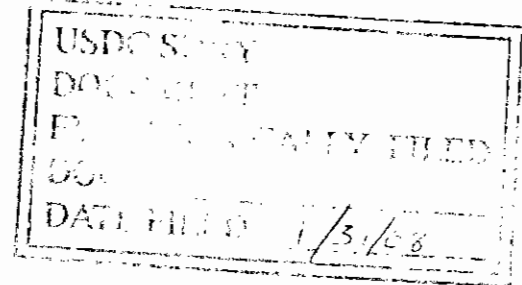


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA, :

Plaintiff, :

v. :

JOSEPH INDELICATO, :

Defendant. :

----- x

ORDER AND JUDGMENT

86 Cr. 966 (SWK)

This cause having been heard on the petition of Michael J. Garcia, United States Attorney for the Southern District of New York, Attorney for the United States of America,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the \$10,000.00 fine imposed on defendant Joseph Indelicato on October 8, 1987, is reduced to \$5,340.00.

Dated: New York, New York

January 30, 2008

[Signature]
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	PETITION FOR REMISSION
	:	<u>OF FINE</u>
v.	:	
	:	86 Cr. 966 (SWK)
JOSEPH INDELICATO,	:	
	:	
Defendant.	:	

----- x

The United States of America (the "United States"), by and through its attorney, Michael J. Garcia, United States for the Southern District of New York, petitions this Court pursuant to 18 U.S.C. § 3573, as amended, for remission of the fine imposed in this case.

STATEMENT OF FACTS

1. On October 8, 1987, the defendant Joseph Indelicato (the "defendant") was fined \$10,000.00.
2. To date, the defendant has made payments totaling \$5,340.00.
3. 18 U.S.C. § 3573, as amended, provides, in pertinent part, that:

Upon petition of the Government showing that reasonable efforts to collect a fine or assessment are not likely to be effective, the court may, in the interest of justice –

1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties . . .


A petition under this subsection shall be filed in the court in which the sentence was originally imposed, unless the court transfers jurisdiction to another court. This section will apply to all fines and assessments irrespective of the date of imposition.

4. The defendant, who is 75 years old, has no assets. He receives financial assistance from his family. On November 15, 2007, the defendant's family made a payment of \$4,400.00 on his behalf. The United States Attorney for the Southern District of New York has determined that there is no reasonable likelihood that the United States will be able to collect the full amount of fine imposed upon the defendant. Attempts to collect additional monies would not produce any revenue to the United States and such efforts would, in fact, be contrary to the interest of the United States because they would needlessly expend resources that could be better directed to areas with greater potential for recovery.

THEREFORE, the United States petitions this Court for an order remitting the fine against the defendant.

Dated: New York, New York
January 23, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States
of America

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